

(a). To do so would be to disregard the priority of the disclosure contained in USSN '881 and USSN '855, respectively.

The disclosures in USSN '881 and USSN '855 relating to elastin, which predate the Effective Date of Gregory et al (WO), cover the following subjects: radiation fusing, a tissue substrate, a support member, polymerization, and an energy absorbing material. These disclosures in USSN '881 and USSN '855 form the basis for the specification and claims of the subject patent application. Applicants submit with this Supplemental Amendment a confidential Research Proposal, denoted Exhibit A, which is presented in a Declaration To Overcome A Cited Publication of Dr. Kenton Gregory ("Declaration"), a co-inventor of the above-referenced patent application. Exhibit A below provides adequate basis of conception for the material contained in the specification and claims of the above-referenced patent application (see pages 16 and 17). Exhibit A, which has an effective date prior to May 23, 1996, also discloses certain of the items listed by the Examiner in the Office Action as being based on insufficient disclosure have been described. For this reason, conception of the claimed invention is clearly and adequately disclosed.

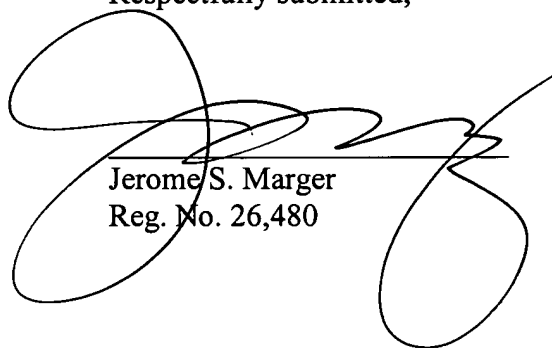
The attached Declaration also sets forth the fact that Dr. Kenton Gregory is engaged in the active private practice of cardiology at the Providence St. Vincent Medical Center in Portland, Oregon, and has also been the Director of the Oregon Medical Laser Center ("OMLC") of Portland, Oregon since 1991. Dr. Gregory has an extremely high volume work schedule which causes him to work on numerous projects and medically-related activities during the course of his professional endeavors. It is Applicants' position that the filing of a patent application on February 7, 1997, was per se diligent. To evidence this, Applicants have included in the Declaration, evidence that OMLC conducts numerous research and development projects. This is outlined in Exhibit A. It is also set out in the confidential Reports issued by the OMLC and dated First and Second Quarter of 1997, which covers work relating to tropoelastin conducted at OMLC in the 4<sup>th</sup> Quarter of 1996 and the 1<sup>st</sup> Quarter of 1997. The Reports, which are also attached hereto as Exhibits B & C., provide evidence of the extremely high level of

research and development activities which are being conducted and supervised by the Dr. Gregory at the OMLC.

It is also clear from reading the Declaration that work on tropoelastin biomaterial by OMLC and the inventors herein was conducted continuously from a date prior to the Effective Date until the date of filing of the above referenced patent application, and thereafter. The Examiner's assertions to the contrary are without foundation and are traversed by the Applicants.

In light of the above arguments and amendments to the claims, it is requested that the Examiner reconsider his rejections and pass this case to issue. If, however, the Examiner still believes that has not responded to all of the rejections presently outstanding, he is encouraged to call the Attorney for the Applicants at the telephone number below to discuss same.

Respectfully submitted,



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